

PATENT COOPERATION TREATY

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AUG 23 2004

From the INTERNATIONAL SEARCHING AUTHORITY

To:
LAUREN SLIGER
PATENT-LA
P.O. BOX 1208
SEATTLE, WA 98111-1208

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AUG 18 2004

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Docket System PERKINS, COLE LLP
Status Report ✓
Docket Book ✓
10/16/04 ISR

Date of Mailing
(day/month/year)

16 AUG 2004

Applicant's or agent's file reference
~~54704806WO~~

UMD-0054

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US03/33441

International filing date
(day/month/year)

21 October 2003 (21.10.2003)

Applicant
UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US
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Commissioner for Patents
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Authorized officer
Barthia Lawrence Fox
Juliet Switzer

Telephone No. 703 308 0196

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UNITED STATES RECEIVING OFFICE (RO/US) FEE COLLECTOR AND RECORDING SHEET

☐ ADD'L SHEET

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

INTERNATIONAL APPLICATION NUMBER

PCT/US03/33441

INTERNATIONAL FILING DATE

21 October 2003 (21-10-2003)

APPLICANT (Name)

University of Medicine and Dentistry of New Jersey

PAYMENTS

REFUNDS

Payment on Filing				Deposit Account		Deposit Account		To Deposit Account		To Deposit Account	
				50	2586						
DATE:				DATE:		DATE:		DATE:		DATE:	
10 MAY 2004											
<input type="checkbox"/> CASH/CHECK				<input type="checkbox"/> CASH/CHECK		<input type="checkbox"/> CASH/CHECK		<input type="checkbox"/> BY CHECK		<input type="checkbox"/> BY CHECK	
150				1604	210,00						
151											
153											
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Total Paid:				Total Paid:		Total Paid:		Total Refunded:		Total Refunded:	
				210,00							
States Included for 892:				892:		892:					
States Included for 893:				893:		893:					

Date Mailed:

RO/US Authorization

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CHAPTER I
PCT TELEPHONE MEMORANDUM
FOR
LACK OF UNITY OF INVENTION



PCT No.: PCT/US03/33441

Examiner: Juliet C. Switzer

Attorney spoken to: Lauren Sliger

Date of call: 10 May 2004

- ☒ Amount of payment approved: \$210.00
- ☒ Deposit account number to be charged: 50-2586
- ☒ Attorney elected to pay for ALL additional inventions
- ☐ Attorney elected to pay only for the additional inventions covered by
- ☐ Group(s):
- encompassing --
- ☐ Claim(s):
- ☐ Attorney elected NOT to pay for any additional inventions, therefore, only the first claimed invention (Group I) covered by Claim(s) _____ has been searched.
- ☒ Attorney was orally advised that there is no right to protest for any group not paid for.
- ☒ Attorney was orally advised that any protest must be filed no later than 15 days from the mailing of the Search Report (PCT/ISA/210).

Time Limit For Filing A Protest

Applicant is hereby given 15 days from the mailing date of this Search Report in which to file a protest of the holding of lack of unity of invention. In accordance with PCT Rule 40.2, applicant may protest the holding of lack of unity only with respect to the group(s) paid for.

Detailed Reasons For Holding Lack of Unity of Invention:

Please See Continuation Sheet

Note: A copy of this form must be attached to the Search Report.

**ATTACHMENT TO CHAPTER I PCT TELEPHONE MEMORANDUM
FOR
LACK OF UNITY OF INVENTION**

Continuation of Detailed Reasons For Holding Lack of Unity of Invention:

Group 1, claims 1-10, drawn to isolated nucleic acid molecules, probes and kits.

Group 2, claims 11-20, drawn to methods for determining whether an individual has a heightened predisposition to cancer or cardiovascular disease.

There is no special technical feature which joins groups I and II, as the methods of claim 11 do not recite or require the products of claim 1 or invention 1. Even if they were to recite or require the products of the main invention, the main invention does not represent an advance in view of the prior art. Lou *et al.* (GenBank AF279906) teach an isolated nucleic acid comprising SEQ ID NO: 1, wherein G is replaced by C at nucleotide 12 (see nucleotides 132-159 of Lou *et al.*). Furthermore, with regard to claim 3, Dean *et al.* (US6087489) teach a single-stranded nucleic acid probe that hybridizes to the isolated nucleic acid molecule of claim 1. Specifically, SEQ ID NO: 16 taught by Dean *et al.* is a 20mer nucleic acid probe which is complementary to nucleotides 7-26 of instant SEQ ID NO: 1, wherein G is replaced by C at nucleotide 12. PCT Rule 13.2 states "The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes *over the prior art* (emphasis added)." Since the main invention was known at the time of filing, there is a lack of unity of invention between group 1 and group 2.

Note: A copy of this form must be attached to the Search Report.